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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/010,821	11/13/2001	Thomas A. Boynton	.854	7714

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ATTN: LEGAL-MANUFACTURING
KINETIC CONCEPTS, INC.
P.O. BOX 659508
SAN ANTONIO, TX 78265-9508

EXAMINER	
ROJAS, BERNARD	

ART UNIT	PAPER NUMBER
2832	

DATE MAILED: 02/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/010,821	Applicant(s) BOYNTON ET AL.	
	Examiner Bernard Rojas	Art Unit 2832	

-- The MAILING DATE of this communication appears on th cover sheet with th correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11/16/2003*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *21-29* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 103

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 21, 23-26 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Laskaris et al. [US 5,517,169] in view of Kawamoto [US 6,054,854]

Claim 21, Laskaris et al. teaches a plurality of electrically conductive coaxial coils [28, col. 3 lines 47-52] arranged and positioned about a common longitudinal axis [62],

Laskaris et al. fails to teach the elongate support surface and the claimed magnetic field strength.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to adjust the magnetic field strength in order to achieve a desired result.

Kawamoto teaches an elongate support surface having a cushion for supporting a human body thereon [figure 1], the support surface being generally parallel and offset beneath the common longitudinal axis so that the human body is positioned along the length of the common longitudinal axis.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the elongate support surface of Kawamoto in order to support a human patient in the apparatus of Laskaris et al.

Claim 23, Laskaris et al. teaches the coils are spaced equidistantly along the length of the common axis [figure 1].

Claim 24, Laskaris et al. teaches a first and second of the coaxial coils have a radius, the first and second coils are separated by a separation distance in the range between half the radius and twice the radius [figure 1].

Claim 25, Laskaris et al. teaches each of the coils has a radius of approximately "r", and each of the coils are separated by a distance in the range between half r and twice r [figure 1].

Claim 26, Laskaris et al. teaches a plurality of electrically conductive coaxial coils [28, col. 3 lines 47-52] arranged about a common longitudinal axis [62],

the length is at least as long as the distance between the head and feet of the human body, inclusive, [figure 1]

A source of direct current electricity, operably connectable to the coils to conduct direct current through the coils, thereby generating a magnetic field along the length of the common longitudinal axis.

Laskaris et al. fails to teach the elongate support surface and the claimed magnetic field strength.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to adjust the magnetic field strength in order to achieve a desired result.

Kawamoto teaches an elongate support surface having a cushion for supporting a human body thereon [figure 1], the support surface being generally parallel and offset beneath the common longitudinal axis so that the human body is positioned along the length of the common longitudinal axis.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the elongate support surface of Kawamoto in order to support a human patient in the apparatus of Laskaris et al.

Claim 28, La the winding are made of copper [col. 3 lines 61-63].

Claims 21-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawamoto [US 6,054,854]

Claim 21, Kawamoto teaches a plurality of electrically conductive coaxial coils arranged and positioned about a common longitudinal axis [figure 1], an elongate support surface having a cushion for supporting a human body thereon [figure 1], the

support surface being generally parallel and offset beneath the common longitudinal axis so that the human body is positioned along the length of the common longitudinal axis.

Kawamoto fails to teach the claimed magnetic field strength.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to adjust the magnetic field strength in order to achieve a desired result.

Claim 22, Kawamoto teaches the length is at least as long as the distance between the head and waist of the human body [figure 1].

Claim 23, Kawamoto discloses the claimed invention except for equidistantly spacing the coils along the length of the common longitudinal axis. It would have been an obvious matter of design choice to use equidistant spacing for the coil, since applicant has not disclosed that this arrangement solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with an spacing which still yields a uniform magnetic field.

Claim 24, Kawamoto teaches a first and second of the coaxial coils have a radius, the first and second coils are separated by a separation distance in the range between half the radius and twice the radius [figure 1].

Claim 25, Kawamoto teaches each of the coils has a radius of approximately "r", and each of the coils are separated by a distance in the range between half r and twice r [figure 1].

Claim 26, Kawamoto teaches a plurality of electrically conductive coaxial coils arranged about a common longitudinal axis [figure 1],

the length is at least as long as the distance between the head and feet of the human body, inclusive, [figure 1]

an elongate support surface having a cushion for supporting a human body thereon [figure 1], the support surface being generally parallel and offset beneath the common longitudinal axis so that the human body is positioned along the length of the common longitudinal axis.

A source of direct current electricity [52], operably connectable to the coils to conduct direct current through the coils, thereby generating a magnetic field along the length of the common longitudinal axis.

Kawamoto fails to teach that the coils are spaced equidistantly along the length of the common axis and the claimed magnetic field strength.

It would have been an obvious matter of design choice to use equidistant spacing for the coil and achieve a magnetic field strength of 5-20 Gauss. Since applicant has not disclosed that this arrangement solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with an spacing which still yields a uniform magnetic field and to adjust the magnetic field strength in order to achieve a desired result.

Claim 27, It would have been obvious to one of ordinary skill in the art at the time the invention was made to specify the amount of current received by each coil to control the magnetic field.

Claim 28, It would have been obvious to one having ordinary skill in the art at the time the invention was made to use copper wire windings to create the coil since it was known in the art that copper winding coils are efficient conductor of electricity.

Claim 29, Kawamoto teaches a resting surface is operable to support an afflicted human patient and to provide a magnetic field to the patient for a period of time in excess of 5 hours.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bernard Rojas whose telephone number is (703) 305-3873. The examiner can normally be reached on M-F (7-4:30), every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin G. Enad can be reached on (703) 308-7619. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7724.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

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